

20-1

NP

U.S.E.P.A.  
REGION 9  
OAHU CHIEF

Nov 30 20 PH '83

11/30/83

DOH

Telecopy to: Phil Bobal  
Larry Sazayadaria  
EPA, San Francisco

From: Marcia Croninger  
Department of Health Services  
Sacramento  
916/322-9467

Sacramento telecopy (verify): 916/445-9513

7 pages to follow

Note: Original Telecopy in EPA/DOHS File

BKK CORPORATION



1449 STATE STREETS • P.O. BOX 104 • POMONA CALIFORNIA 91768  
(714) 626-7151

November 28, 1983

Mr. Gil Jensen  
Enforcement Coordinator  
Department of Health Services  
1107 2nd "P" Street  
Sacramento, California 95814

Dear Mr. Jensen:

On November 22, 1983, attorneys for the BKK Corporation and I met with you and your staff to discuss the Department's proposed Settlement Agreement and Schedule of Compliance issued on September 23, 1983.

In our earlier response of October 12, 1983 to the Department's September 23 letter, we stated our position that we did not commit the Interim Status Document violations alleged, and that continues to be our position. At the outset of our meeting, however, you stated that the September 23 letter is not the Department's primary focus - attention at this time since the alleged violations have either been corrected or are included in a new proposed settlement. The new proposal was presented orally at the meeting, and is also described in a subsequent letter to our attorneys dated November 23, 1983.

In this letter I will comment on the new proposed terms, but first I believe it is important to address some broader issues that need to be resolved if we are to achieve our mutual goal of assuring that the landfill continues to operate safely and remains a resource upon which area generators can rely to legally dispose of their wastes.

There has been a failure of communication which has impeded the efforts of the Department and this company. BKK has always relied upon a continuing exchange of information between the Department and itself as a technique of assuring compliance with permits, identification of new disposal techniques, and maintaining a high level of performance. This has proven to be a successful formula for fine tuning operations in a regulatory climate which seems to change daily. Joint problem identification and solving abruptly stopped when for the first

Mr. GJ Jansen  
Department of Health Services  
November 26, 1983  
Page Two

time an EPA inspector assumed the existence of groundwater underlying the site while inspecting our facility. The previous EPA inspector and the state inspector that inspected the site at the same time as the latest EPA inspection, did not make the same assumption and hence the site was found with small exceptions to be in compliance with our permit. Based on all our previous experience we believed that if the Department developed concerns at the site we would have an opportunity to technically address them and propose timely corrective action. I don't believe we have ever refused to conduct monitoring or install improvements at the facility requested by the Department. Now, we find heightened public concern over alleged permit violations, difficulty explaining the alleged violations in on-going permit hearings on our Los Angeles Harbor Treatment Plant, and pressure from the Department to perform numerous studies and remedial measures within short time frames that are not commensurate with any demonstrated health or environmental risk.

I sincerely believe that all of this could have been avoided with better communication. I am also suggesting that with this proposed settlement we set aside our recent adversarial roles and work towards a common goal of utilizing the best science available to us to serve industry and protect the public.

This leads into another point that is at the heart of many of our present problems. We are having to satisfy several different agencies at the same time, each with different types of expertise and expectations. To avoid confusion and in furtherance of utilizing the best science available, we propose that an acknowledged qualified geologist/hydrologist firm or individual be retained at BNK expense, subject to agency approval, to independently review all proposed ground monitoring, site characterization and remedial action at the site. This expert would work under the direction of a joint technical group consisting of representatives of DOWS, EPA, SWRCB, L.A. RWQCB, and BNK. Not only would our scientific capabilities be improved, but I believe the public credibility of the overall effort will be measurably improved as well.

Returning to the specifics of the September 23, 1983 letter, we can substantiate compliance with all the terms of the proposed settlement except the provision on ignitable and/or reactive wastes. In regard to ignitables and reactives we are prepared within 7 days to submit a plan to the Department for disposal of ignitable and reactive wastes in accordance with the federal and state regulations cited in your letter and applicable EPA

Mr. Gil Jansen  
Department of Health Services  
November 28, 1983  
Page Three

interpretations, e.g., 45 Fed. Reg. at 33163. We will agree to a condition that ignitable and/or reactive wastes shall not be disposed of in the landfill unless they are rendered non-ignitable and non-reactive before, or immediately after, placement in the landfill. This proposal is intended to be responsive to both the September 23 letter and your letter of November 23, 1983.

In response to the other terms stated in your November 23 letter we will agree to the following:

1. Leachate Control. We are convinced that Barriers 1 and 2 are effectively preventing the migration of leachate from the waste management area. See attached letter by LeRoy Crandall and Associates dated November 17, 1983. See also Hydraulic Testing Leachate Control Barriers 1 and 2 Report submitted on November 18, 1983. Therefore, except as we outlined in the Hydraulic Testing Report we do not believe further extraction measures are necessary at this time to prevent migration past the barriers. We request a technical meeting on or before December 30, 1983 with appropriate DOHS, EPA, SWRCC, and L.A. RWQCB staff to review whether additional remedial measures to prevent migration through the barriers are necessary, including an agreed upon work schedule.
2. Downgradient Leachate Removal. Within 120 calendar days BKK shall assess and report to the Department the extent of leachate downgradient of Barrier 1, its direction and rate of flow and probable sources, including old Class II deposits. In addition, BKK shall submit an analysis of all water samples taken downgradient of Barrier 1 and a comparison of water quality to samples taken upgradient of Barrier 1, upgradient of the site, and wells located off site downgradient of Barrier 1. Unless otherwise required by DOHS, water samples shall be collected in accordance with the Sampling and Analysis Plan submitted by BKK on October 7, 1983 and L.A. RWQCB Order No. 78-140 as amended. We cannot physically meet the 60 day time frame suggested by the Department for the above work. We submit that since our consultant LeRoy Crandall and Associates has determined that there is no evidence of leachate leaving the site the 120 day time frame is

Mr. Gil Jansen  
Department of Health Services  
November 28, 1983  
Page Four

more than adequate under the circumstances. We believe we can meet the stipulated 120 day time frame for submitting a Downgradient Leachate Removal Plan as described. The work schedule submitted with the plan will specify the shortest time frames possible for installation and operation of proposed remedial actions but we cannot reasonably predict at this time whether a 90 calendar day schedule would be appropriate. BKK will agree that immediate action will be taken as necessary if at any point it is determined that measures are needed to prevent migration of leachate off site.

3. General Leachate Control. We agree to the proposed term for general leachate control. The definition of leachate should be clarified, however, to correspond to the EPA definition of "leachate" at 40 CFR 260.10.
4. Liquids Ban. BKK believes that all leachate is being effectively contained on site. See attached, LeRoy Crandall letter of November 17, 1983. Notwithstanding, within 60 calendar days after completion of work implementing the Liquid Management Plan BKK shall either (1) demonstrate, to the satisfaction of the Department, in a written addendum report submitted to the Department, that the Liquid Management Plan is fully effective to contain or remove all leachate from the facility, or (2) cease to dispose of liquid hazardous waste at the facility until containment is demonstrated to the Department.
5. Costs. BKK recognizes that additional Department resources have been required as a result of the EPA inspection report. We are unaware, however, of any formal policy of the Department in such cases to assess administrative costs to operators. We are, nonetheless, willing to reimburse the Department \$25,000.00 to offset administrative costs. I believe it is important to realize that the bulk of the total costs incurred to date have been paid by BKK for its own administrative costs, consultants and equipment operators (well drillers). These costs far exceed the Department's administrative costs which are already being offset by disposal fees paid by BKK.

Mr. Gil Jensen  
Department of Health Services  
November 26, 1963  
Page Five

The above substantiates our willingness to continue to cooperate with the Department and all other regulatory agencies involved. We are hopeful that our proposal is responsive and that our attorneys can work out the details of an agreement as soon as possible.

Very truly yours,



Ernest T. Winter  
Director

ETW:jpc

atich.



November 17, 1983

BKK Corporation  
P.O. Box 3038  
Terrance, California 90510

(Our Job No. E-83124-B)

Attention: Mr. Joseph R. Johnson

Gentlemen:

Existence of an Off-Property  
Plume of Contamination  
BKK Landfill  
West Covina, California

In accordance with our discussions of this date, we have reviewed the data available to us concerning the existence of an off-site plume of contamination.

Based on our knowledge of the available data, we find no evidence of the existence of a contaminated plume off-property. Chemical analyses of water wells in the alluvial aquifer located to the west of the property are presented on Table 12 of Appendix F of the BKK Part B Application. More recent data obtained from Suburban Water Systems from their active and inactive wells in the vicinity of the landfill, do not indicate the presence of contaminated water. The Suburban Water Systems data is attached to their letter to Frank Ford and Lynn Ford, dated October 27, 1983.

We are aware of the presence of small amounts of seepage water at the "Nogales Seep" area on property. Only a limited number of specific constituents were determined in the laboratory due to the small sample of fluid obtained. The sample had an above normal electrical conductance. However, the analysis alone is not necessarily indicative of leachate in the seepage water. Available data are presented on Table 12 of Appendix F. We are also aware of the presence of leachate in Monitoring Well M-4A, as shown in Appendix I of Appendix F of the Part B Application. This well is located immediately downgradient of Barrier 1. We are not sure of the origin of the leachate in Well M-4A at this time because of the leakage of fluids around the isolating seals in this multiple piezometer monitoring well.

November 17, 1983  
(Our Job No. E-83124-B)

The chemical analyses of water from downgradient monitoring wells MW-5 and MW-9 are less diagnostic (see Appendix 1 of Appendix F of the Part B Application). If leachate is present downgradient of Barrier 1, a question arises as to the source of the leachate. Is it from the Class I area, or is it from the Class II area? The problem is further complicated by the fact that tank trucks and other equipment were formerly washed out in the creek area between MW-4A and MW-9. This problem can hopefully be solved upon completion of the Site Characterization Studies requested by Department of Health Services. It should be noted that the questionable area is located on property.

Detailed studies are currently underway which will shortly provide a better understanding of the hydraulic barrier systems. It should also be noted that since Barrier 1 has been tested, equilibrium conditions have been reestablished by the continuous pumping of about 3 gallons per minute, or about 130,000 gallons per month. Records of monthly pumpage submitted to the Los Angeles Regional Water Quality Control Board since 1977 indicate the average monthly pumpage from Barrier 1 to be about 170,000 gallons per month. This suggests that there has been substantial control of leachate at Barrier 1.

Should you have any further questions concerning our present knowledge of contamination off-property, please contact us.

Yours very truly,

LeROY CRANDALL AND ASSOCIATES

by *Glenn A. Brown*  
Glenn A. Brown, C.E.G. 3  
Director of Geological Services

CAB/jj  
(6 copies submitted)

